

HOUSE BILL No. 1052

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-10.1-16-13.

Synopsis: ISTEP waiver for children with disabilities. Changes certain requirements for a student with a disability to receive a waiver to graduate from high school without passing the graduation examination. Requires a student who seeks a waiver to: (1) attain the goals established by the student's individualized education program (IEP) rather than to attain the academic standard in a subject area; and (2) maintain a passing grade rather than a "C" average.

Effective: Upon passage.

Stilwell

January 13, 2004, read first time and referred to Committee on Education.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1052

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-10.1-16-13, AS AMENDED BY P.L.193-1999,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 13. (a) ~~Beginning with the class of students~~
4 ~~who expect to graduate during the 1999-2000 school year~~, Each student
5 is required to meet:

6 (1) the academic standards tested in the graduation examination;
7 and

8 (2) any additional requirements established by the governing
9 body;

10 to be eligible to graduate.

11 (b) A student who does not meet the academic standards tested in
12 the graduation examination shall be given the opportunity to be tested
13 during each semester of each grade following the grade in which the
14 student is initially tested until the student achieves a passing score.

15 (c) A student who does not achieve a passing score on the
16 graduation examination may be eligible to graduate if all of the
17 following occur:

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(1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.

(2) The student otherwise satisfies all state and local graduation requirements.

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does all of the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(6) Otherwise satisfies all state and local graduation requirements.

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school;

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and

(B) be supported by documentation that the student has attained the ~~academic standard in the subject area~~ **goals established by the student's individualized education program (IEP)** based upon:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(2) The student meets all of the following requirements:

(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(D) Maintains ~~at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board;~~ **a passing grade as defined by the governing body of the school corporation where the student is enrolled.**

(E) Otherwise satisfies all state and local graduation requirements.

SECTION 2. **An emergency is declared for this act.**

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